

**FILED**

JUN 30 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

DAVID CREWS, CLERK  
BY J. Davis Deputy

RODERICK KEITH GRAY

PLAINTIFF

VERSUS

NO. 3:11-CV-090-MPM-SAA

CITY OF BRUCE, MISSISSIPPI

DEFENDANT

JURY TRIAL DEMANDED

**COMPLAINT**

This is an action for actual damages for race discrimination. Plaintiff shows the Court the following facts to support this action:

1.

Plaintiff RODERICK KEITH GRAY is a black, adult resident citizen of 116 CR 200, Pittsboro, Mississippi 38951.

2.

Defendant, CITY OF BRUCE, MISSISSIPPI, is a political subdivision of the State of Mississippi and may be served with process by service upon its Mayor, Robert Edward Oakley, at 100 Public Square, Bruce, Mississippi 38915.

3.

This Court has federal question jurisdiction under 28 U.S.C. § 1331 and civil rights jurisdiction under 28 U.S.C. § 1343, for a cause of action arising under Fourteenth Amendment to the United States Constitution, under 42 U.S.C. § 1981 and under Title VII of the Civil Rights Act of 1964. Plaintiff's claims are authorized by 42 U.S.C. § 1983.

4.

Plaintiff has filed the EEOC charge, attached hereto as Exhibit "A," and has received the right-to-sue letter, attached hereto as Exhibit "B."

5.

Plaintiff has been employed by Defendant for twenty (20) years in the Public Works Department. Plaintiff has a Bachelor of Science degree and has the required certifications for Water Operation and Waste Water Operator. Plaintiff's work performance throughout the years has been excellent.

6.

In December 2009, the Director of the Public Works Department retired. Plaintiff was the logical candidate for the position. Nevertheless, the Defendant, acting through its Mayor, caused the job to be posted on the internet resulting in numerous applications.

7.

The Board of Aldermen made a determination that Plaintiff and two out-of-state white applicants were the top three candidates for the position. Plaintiff was actually, by far, the best qualified because of his previous experience. The Board, by a three-to-two vote, strictly along racial lines, decided to offer the job to one of the white applicants. This first white applicant would only accept the position for a salary of \$60,000.00, and the Board voted not to accept him allegedly because of his salary requirements.

8.

The Board then offered the job to a second white applicant who demanded the salary of \$80,000.00, at which point he was rejected.

9.

Rather than offer Plaintiff the job, who was then only making \$31,000.00 per year, the Defendant re-offered the job to the first white applicant at the salary of \$60,000.00.

10.

The applicant who was hired had substantially less experience than Plaintiff and depends upon Plaintiff to operate the Public Works Department.

11.

Plaintiff was not promoted to the position of Director of Public Works because of his race (black).

12.

Plaintiff has suffered anxiety and stress as a result of Defendant's racist actions taken through the three white members of the Board of Aldermen for Defendant and the Mayor.

**REQUEST FOR RELIEF**

Plaintiff requests actual damages in an amount to be determined by a jury, for an injunction requiring Defendant to promote Plaintiff to the position of the Director of the Public Works Department and reasonable attorneys' fees and expenses.

Respectfully submitted,

WAIDE & ASSOCIATES, P.A.

BY: \_\_\_\_\_

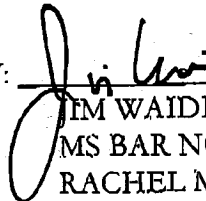
JIM WAIDE  
MS BAR NO. 6857  
RACHEL M. PIERCE  
MS BAR NO. 100420

Department and reasonable attorneys' fees and expenses.

Respectfully submitted,

WAIDE & ASSOCIATES, P.A.

BY: \_\_\_\_\_

A handwritten signature in dark ink, appearing to read "Jim Waide", is written over a horizontal line.

JIM WAIDE

MS BAR NO. 6857

RACHEL M. PIERCE

MS BAR NO. 100420

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Attorneys for Plaintiff

## CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

CHARGE NUMBER

423-2010-01778

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

RODERICK KEITH GRAY

HOME TELEPHONE (Include Area Code)

662-412-2131

DATE OF BIRTH

06/29/1965

STREET ADDRESS

CITY, STATE AND ZIP CODE

116 County Road 200 Pittsboro, MS 38951

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

City of Bruce

15+

662-983-2453

STREET ADDRESS

CITY, STATE AND ZIP CODE

100 Public Square

Bruce, MS 38915

COUNTY

Calhoun

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ AGE

☐ RETALIATION ☐ NATIONAL ORIGIN ☐ DISABILITY ☐ (Other)
DATE DISCRIMINATION TOOK PLACE  
EARLIEST (ADEA/EPA) LATEST (ALL)

7/6/

☐ continuing action

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I have been employed in the Public Works Department for the City of Bruce for nineteen (19) years. I am the senior member of the Public Works Department. I have a Bachelor of Science degree, and have the State-required certifications both as Water Operator and Waste Water Operator.

In December 2009, the Director of the Public Works Department retired. It was logical that I would be moved into the position. However, the Mayor (white), posted the job on the Internet, resulting in applicants from all over the country.

The Board decided that I, and two white out-of-state applicants, were the top three persons. The Board decided that the job would be offered to one of the three of us. The job was offered to one of the white applicants, but his salary requirements were \$60,000.00 per year, and he was rejected on the grounds that the Board could not afford him. The job was then offered to the second white applicant, but he demanded a salary of \$80,000.00, and the Board rejected him. It was logical that the Board would turn to me, since my salary requirements were only \$35,000.00-\$40,000.00. However, rather than offer me the job, the decision was made by the Board to offer the job to the first white applicant at a salary of \$60,000.00. Additionally, the white individual working under me was given the job of Interim Director, until the new director takes over.

I request the EEOC to investigate to determine whether I have been the victim of race discrimination based upon my race (black) in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

Date

Charging Party (Signature)

EEOC FORM 5 (Test 10/94)

EXHIBIT

A



U.S. Department of Justice

Civil Rights Division

NOTICE OF RIGHT TO SUE  
WITHIN 90 DAYS

CERTIFIED MAIL  
2011 0588

950 Pennsylvania Avenue, N.W.  
Karen Ferguson, EMP, PHB, Room 4239  
Washington, DC 20530

April 7, 2011

Mr. Roderick K. Gray  
c/o Jim Waide, Esquire  
Law Office of Waide & Associates  
Attorney at Law  
P.O. Box 1357  
Tupelo, MS 38802-1357

Re: EEOC Charge Against City of Bruce  
No. 423201001778

Dear Mr. Gray:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

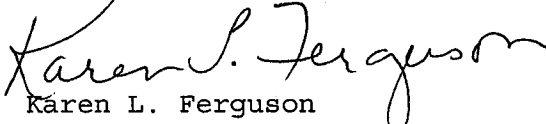
The investigative file pertaining to your case is located in the EEOC Jackson Area Office, Jackson, MS.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Thomas E. Perez  
Assistant Attorney General  
Civil Rights Division

by

  
Karen L. Ferguson  
Supervisory Civil Rights Analyst  
Employment Litigation Section

cc: Jackson Area Office, EEOC  
City of Bruce

